

Appln. No. 09/155,676
Amdt. dated July 5, 2006
Reply to Office action of April 4, 2006

REMARKS

Claims 13-16, 20-22, 43, 44, 46, 47, 49, 50, 53-60, 62-71, 73-75 and 77-79 presently appear in this case. Claims 47, 53, 62, 66-68, 70 and 71 have been allowed, and claims 73-75 and 77-79 have been indicated to be allowable if rewritten in independent form. Claims 50, 56-58 and 63-65 have not been accounted for but are presumed to be allowable as they are not subject to any rejection. The remaining claims have been rejected. The official action of April 4, 2006, has now been carefully studied. Reconsideration and allowance are hereby respectfully urged.

Briefly, the present invention relates to cDNA sequences that encode polypeptides that bind to TRAF2 and inhibit or increase activity of NF- κ B as well as the polypeptides encoded by those DNA sequences. Preferably, the polypeptide is NIK. The invention also relates to antibodies, methods of identification and screening, and anti-sense DNA.

In a telephone interview with Examiner Epps-Ford on July 3, 2006, initiated by the undersigned, it was pointed out to the examiner that claims 50, 56-58 and 63-65 were not listed among the allowed, rejected or objected to claims. The examiner stated that she regretted this error, but that she agreed that none of these claims were subject

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to any rejection. In the course of this interview, the amendment being made herewith to claim 69 was suggested to the examiner so as to obviate the 35 U.S.C. §112 rejection. The examiner stated that she believed that this amendment would, indeed, obviate the rejection. The examiner's courtesies to the undersigned in the course of this interview are gratefully acknowledged.

Claims 45 and 46 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The examiner states that these claims have not been amended as was done in claims 47-49 and 64 to remove reference to the limitation "the cellular activity which is changed or mediated by."

Claim 45 has now been deleted without prejudice, and claim 46 has been amended to remove the recitation "the cellular activity which is changed or mediated by." Accordingly, it is believed that this rejection has now been obviated. Reconsideration and withdrawal thereof are respectfully urged.

Claims 13-16, 20-22, 43-45, 49, 50, 54, 55, 59, 60, 63, 69 and 77-79 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The examiner states that, contrary to applicants' assertions that the polypeptide "consists of"

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the amino acid sequence of the fragment and that the claims cannot be interpreted as reading on a completely unrelated sequence, the current amendment to the claims does not obviate the pending rejection because claim 69, part (a), recites "comprising the amino acid sequence of SEQ ID NO:2 ..." and part (c) recites "consisting of an amino acid sequence of a fragment of (a)." Thus, the examiner considers that the scope of claim 69 may read on a completely unrelated sequence other than the amino acid sequence of SEQ ID NO:2 or a fragment thereof due to the "comprising" language recited in part (a) of claim 69. Thus, the claims remain rejected for the reasons of record. This rejection is respectfully traversed.

Claim 69 has now been amended to make explicit that the fragment of part (c) must consist of an amino acid sequence of a fragment of the amino acid sequence of SEQ ID NO:2, and amino acid sequence encoded by the nucleotide sequence of SEQ ID NO:6, or the amino acid sequence of SEQ ID NO:5, which fragment binds to TRAF2 and either inhibits or increases the activity of NF- κ B. Accordingly, this language cannot comprehend totally unrelated sequences. Accordingly, it is believed that this amendment now obviates the 35 U.S.C. §112 rejection of claim 69 and all those

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claims dependent therefrom. Reconsideration and withdrawal thereof are therefore respectfully urged.

The examiner notes that on February 9, 2001, applicants sought to initiate an interference between the current application and U.S. patents 5,843,721 and 5,844,073. The examiner states that the initiation of interference proceedings will be postponed until the indication of allowability of all pending claims.

As all of the rejections of record have been overcome for the reasons recited herein, it is believed that all of the claims are now in condition for allowance and, therefore, the present application is in appropriate form for initiation of the interference.

Claims 30 and 45 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rothe et al.

Claims 30 and 45 have now been deleted without prejudice toward the continuation of prosecution thereof in a continuing application. They have been deleted solely to obviate this rejection and, thus, expedite an indication of allowability of all of the remaining claims now present in the case so that the interference can proceed. In view of this deletion, the present rejection has now been obviated.

It is submitted that all the claims now present in the case fully comply with 35 U.S.C. §112 and clearly define

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over the references of record. Reconsideration and
allowance are hereby earnestly solicited.

Respectfully submitted,

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